

Serial No. 10/708,838

Attorney Docket No. 70655.0200

REMARKS

Applicants reply to the Office Action mailed on November 29, 2006, within two months. Thus, Applicants request an Advisory Action, if necessary. Claims 1, 2 and 4-17 were pending and the Examiner rejects claims 1, 2 and 4-17. In reply, Applicants amend claims 1, 4 and 17, cancel claim 14 without prejudice to filing claims with similar subject matter in one or more applications, add new claims 18-21, and address the Examiner's remarks. Thus, claims 1, 2, 4-13, 15-21 are now pending in the application. Support for the amendments may be found in the originally-filed specification, claims, and figures. No new matter has been introduced by these amendments. Reconsideration of this application is respectfully requested.

Applicants respectfully assert that the subject matter of the various claims was commonly owned at the time the inventions covered therein were made and therefore, Applicants have complied with 37 C.F.R. § 1.56.

Claim Rejections - 35 USC § 103

Claims 1, 2 and 4-17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application No. 2005/0122209 ("Black") in view of U.S. Patent No. 2005/0098621 ("de Sylva"). Applicants respectfully traverse.

Applicants' amendment to independent claim 1 renders this rejection moot. As indicated by the Examiner in the Office Action dated November 29, 2005, regarding claim 11 of application no. 10/710,308, "verifying whether the sample is associated with a preset transaction limit" is non-obvious.

Neither Black, de Sylva, nor any combination thereof, disclose or suggest a system with at least a "device further configured to associate said proffered biometric sample with a preset transaction limitation," as recited in amended claim 1.

Accordingly, Applicants assert that claim 1 is patentable over the cited references. Similarly, claims 2, 4-13, and 15-17 variously depend from claim 1 and contain all of the elements thereof. Therefore, Applicants assert that claims 2, 4-13, and 15-17 are differentiated from the cited reference at least for the same reasons as set forth above, in addition to their own respective features. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 2, 4-13, and 15-17.

BEST AVAILABLE COPY

JAN 25 2006 14:42 FR SNELL WILMER PHX 3 602 382 6070 TO 915712738300

P.08

Serial No. 10/708,838
Attorney Docket No. 70655.0200

NEW CLAIMS 18-21

New claims 18-21 variously depend from claim 1 and contain all of the elements thereof. Therefore, Applicants assert that new claims 18-21 are differentiated from the cited references at least for the same reasons as set forth above, in addition to their own respective features.

CONCLUSION

Applicants respectfully submit that the pending claims (19 total, 1 independent) are in condition for allowance. No new matter is added in this Reply. Reconsideration of the application is thus requested. **The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. 19-2814.** Applicants invite the Examiner to telephone the undersigned if the Examiner has any questions regarding this Reply or the application in general.

Respectfully submitted,

Dated: January 25, 2006

By: Kirk Dorius
Kirk Dorius
Reg. No. 54,073

SNELL & WILMER L.L.P.
400 East Van Buren
One Arizona Center
Phoenix, Arizona 85004-2202
Telephone: (602) 382-6544
Facsimile: (602) 382-6070
E-mail: kdorius@swlaw.com

AXP No. 200501424
1782006

7